

Docket No. HORWO-P3197

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Horwood et al.

Serial No.: 10/606,605

Art Unit: 3751

Filed: June 26, 2003

Examiner: Phillips, Charles E.

For: PORTABLE SPA

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO ELECTION REQUIREMENT

Sir:

This responds to the Examiner's election requirement of March 19, 2004.

As set forth in other documents being filed contemporaneously herewith, this response is being filed by inventor/assignee Horwood, due to the unavailability of his joint inventor/co-assignee Lovell.

The Examiner has indicated that the application contains claims directed to patentably distinct species of the claimed invention. However, the Examiner has not clearly identified each of the disclosed species (MPEP 809.02(a)) except by way of figure groupings 1 and 6. In other words, there is no detailed indication of a substantive basis for the aforementioned restriction. Applicant respectfully requests clarification in that regard, and reserves its rights to revise its election in view of any such clarification or upon further consideration of same.

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Sept 20, 04

In the absence of that further detail, and in an effort to advance the prosecution of this application, Applicant has reviewed the claims and hereby provisionally elects the species as disclosed in Figure 6. Applicant respectfully submits that the claims that read on that species appear to include at least Claims 17-18.

In addition to the above-indicated election, please amend Claim 17 of the above-identified application as indicated on the enclosed separate sheet. In this regard, Claims 1-18 were previously presented. Claims 1-16 have been withdrawn without prejudice, and Claim 17 has been amended. Thus, after entry of the present response, Claims 17-18 will be pending.


By the foregoing comments, Applicant has addressed the restriction requirement. In view of same, Applicant respectfully submits that the foregoing claims should be allowable, notice whereof is respectfully requested of the Examiner.

If the Examiner has any questions regarding the foregoing, or if the Examiner would like to discuss any remaining issues or new issues regarding this communication, the Examiner is invited to contact the undersigned representative of Applicant at (949) 718-6750.

Respectfully submitted,

Date:

Sept 20, 04


J. Mark Holland (Reg. No. 32,416)
Mark A. Pellegrini (Reg. No. 50,233)
J. Mark Holland & Associates,
a Professional Law Corporation
3 Civic Plaza, Suite 210
Newport Beach, California 92660
Telephone: 949-718-6750
PTO Customer Number 21,259

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